

REMARKS

This letter is in response to the Examiner's Action dated 19 August 2004. Applicants note in paragraph 2 the restriction made by the Examiner, and Applicants confirm the election of Class II, claims 5-19 without traverse. Claims 1-4 and 20-103 have been withdrawn without prejudice for the purpose of filing further Divisionals in the future.

Applicants have amended claim 5 with the limitations of claim 11. This amendment is made in light of the Examiner's suggestion that claim 11 is allowable if rewritten in independent form. No new matter is involved in this amendment since the amendment is supported by claim 11 as written.

Regarding the Examiner's comments of paragraphs 10-14. Claim 10 has been amended to recite that the tackifying resin has a softening point of about 127°C to 145°C. This amendment is supported in the application at page 10, line 21. Claim 11 has been canceled since it has been incorporated now in claim 5. Claim 12 has been amended in light of the comments by the Examiner. The Examiner's comments regarding claims 5-19 regarding "an effective amount" is moot since the claim has been amended to remove the language. Claim 17 has been amended to render the claim consistent with claim 5 and the other claims of the application.

The Examiner has rejected claims under 35 U.S.C. §102 or §103 over Dubois et al. (U.S. Patent 6,107,430). While Applicants have amended the claims in light of the Examiner's comments, Applicants do not acquiesce in this rejection.

Applicants disagree with the Examiner's analysis of the prior art. The Dubois reference, taken as a whole, indicates that wax is an essential part of the invention. Even though the Dubois reference suggests that wax can be present at an amount of 0 wt.%, the specification, the examples and data, taken as a whole, show that wax is an essential ingredient in the invention, and is necessary to obtain the properties and results shown in the reference. The Dubois exemplary materials would be substantially inoperative in the absence of a substantial portion of the wax material disclosed in the invention. In light of the claims as written, using the term "of consisting essentially of," the absence of a wax material from the claims renders the claims patentable over the Dubois reference. However, Applicants have amended claim 5 to include

limitations of claim 11. In light of the Amendment, the Examiner's rejection under 35 U.S.C. §§102 or 103 has been overcome.

Applicants thank the Examiner for the kind attention to this application, and request that the claims be allowed.

Respectfully submitted,

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Date

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